

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on Tuesday, December 2, 2008, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

F. James Ahlberg
Pamela Coerse
Ronda S. DeSplinter
Kimberly B. Kacani, Vice Chair
Douglas M. Kleine
Milton W. Matthews
R. Lee Merritt
Scott E. Sterling
Lucia Anna Trigiani, Chair
Glenn H. Silver (arrived at 9:50 a.m.)
Katherine E. Waddell (arrived at 9:56 a.m.)

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
Nick Christner, Deputy Director of CID
Steven L. Arthur, Deputy Director of Administration & Finance
Trisha L. Henshaw, Executive Director
Thomas K. Perry, Property Registration Administrator
Betty C. Jones, Administrative Assistant
Heather Gillespie, Ombudsman
Cynthia Schrier, Complaint Analyst

Steven Jack from the Office of the Attorney General was present.

Ms. Trigiani, Chair, called the meeting to order at 9:39 a.m.

Call to Order

Ms. Kacani moved to approve the agenda. Ms. DeSplinter seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling and Trigiani.

Approval of Agenda

Mr. Kleine moved that the Board approve the minutes of its October 15, 2008, meeting. Mr. Matthews seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling and Trigiani.

Approval of Minutes

Ms. Kacani moved that the Board approve the minutes of the November 12, 2008, Regulatory Review Committee meeting. Mr. Matthews seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Sterling and Trigiani.

Chair Trigiani opened the floor for public comment. Ms. Anita Hager addressed the Board during the Public Comment Period concerning returned applications for financial information.

Public Comment Period

Ms. Henshaw provided a time-line for the proposed regulations. The deadline for filing the Common Interest Community Manager Proposed Regulations is May 12, 2009. The time-line included flexible and firm dates by which objectives must be accomplished.

Time-Line for CIC Manager Proposed Regulations

After discussion, the Board agreed that it would be necessary to schedule another meeting in order to have proposed regulations filed by the May 12th deadline. The Board considered several meeting dates and decided to defer discussion to the end of the meeting.

During the discussion of the time-line, Mr. Silver arrived at 9:50 a.m. Ms. Waddell subsequently arrived at 9:56 a.m.

Arrival of Board Members

Ms. Kacani gave a report from the Regulatory Review Committee. The committee reviewed the time-line for the proposed regulations. The various teams presented information and recommended changes relating to each area previously assigned. That information was reviewed and recommended changes were considered and amendments added. The areas addressed were the following:

Report from Regulatory Review Committee

I. Standards of conduct for managers and employees – Section 54.1-2349(A)(6). (Mr. Orlando and Mr. Ahlberg)

II. Record keeping requirements stemming from Property Owners Association Act, Condominium Act, Cooperative Act, etc. (Mr. Gaeser and Mr. Merritt)

III. Substantial identity– specifically as this pertains to qualifications for licensure (Mr. Inman and Ms. Kacani)

IV. Certifications detailed in § 54.1-2346.E and qualifications for licensure, including Part V Standards of Conduct of the emergency regulations (Mr. Melson and Ms. Trigiani)

There was no discussion of education, which is to include Board

approved training programs, criteria for examination, certificate program for employees and any regulation that might be necessary with regard to § 54.1-2349.A.2, 3, 4, 5 and 7. This was assigned to Mr. Adams and Mr. Kleine and neither member of that team was able to attend the meeting. It was agreed that the education provisions would be discussed at the next meeting.

During the discussion, there were several items that would require legislative changes. A list of these items would be maintained and discussed with the Board at future meetings as appropriate.

Future Committee meetings were set for 10:00 a.m. on December 11, 2008, and January 13, 2009.

Ms. Kacani reviewed various changes to the draft regulations. Some of the changes were of a grammatical nature, and others to clarify sections of the regulations. The Committee will be provided with the Board's comments and suggestions at its December 11, 2008, meeting.

**Review Draft
Regulations from
Regulatory Review
Committee**

The Board discussed adopting a Notice of Intended Regulatory Action for the Ombudsman regulations as this is the first step in initiating the regulatory process for these regulations. These regulations will establish the requirements for associations to establish reasonable procedures for the resolution of written complaints and provide the requirements for filing a notice of a final adverse decision with the Board.

**Adopt NOIRA for
CIC Ombudsman
Regulations**

Mr. Sterling moved to adopt the filing of the Notice of Intended Regulatory Action for the Ombudsman Regulations. Ms. DeSplinter seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell.

Ms. Henshaw discussed the necessity of filing Fast-Track Common Interest Community Management Information Fund Regulations in order to address an issue pertaining to association registration expiration dates. Ms. Waddell moved to authorize staff to proceed with filing the discussed changes to the Common Interest Community Management Information Fund Regulations via the fast-track process. Mr. Ahlberg seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell.

**Authorize Fast
Track Process for
CICMIF Regulations**

The Board recessed at 10:30 a.m. and reconvened at 10:45 a.m.

Break

Ms. Henshaw discussed the news release for Common Interest

Other Business/

Community Manager Licensure. The news release was distributed to various press outlets, trade associations, and committee members in an effort to get the word out to the public. In addition, it was placed on the Department's web site. It was discussed that this news release can be sent to the common interest community associations when the renewal notices are mailed.

**News Release – CIC
Manager Licensure**

Ms. Henshaw discussed the common interest community manager application and forms. This application is the application that will be used after January 1, 2009. The Board discussed several changes to the application and the forms.

**Review of
“Standard” CIC
Manager
Application and
Forms**

The Board recessed for lunch from 12:05 p.m. to 12:50 p.m.

Lunch

The Board revisited the review of the common interest community manager application and forms. After discussion, Mr. Sterling moved to approve the common interest community manager application and forms as revised. Mr. Silver seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell. The application will be implemented immediately for those applying for a non-provisional license.

**Review of
“Standard” CIC
Manager
Application and
Forms**

Ms. Henshaw discussed the change of responsible person/principal form. The Board discussed several changes to the forms. Mr. Sterling moved to adopt the changes of responsible person/principal form as modified. Mr. Matthews seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Kleine, Matthews, Merritt, Silver, Sterling, Trigiani and Waddell.

**Review of Change of
Responsible
Person/Principal
Form**

Ms. Gillespie gave an overview of the Report on the Office of the Common Interest Community Ombudsman. She discussed the background, statutory authority, inquiries, complaints, education and legal developments of the Ombudsman.

**Ombudsman's
Report/CIC
Ombudsman
Information Sheet**

Ms. Trigiani asked if any reports are available depicting information such as the geographical area of the majority of the complaints, how many complaints have been filed, and how many are self managed or managed by a company. Ms. Gillespie indicated that such data is not available yet, but will be as more data is compiled.

Mr. Arthur provided a presentation on the budget process. He discussed budgeting, appropriation, annual operating budget, revenue and expenses, revenue and expense projections, costs, status of financial

**Presentation on the
Budget Process**

activity, enforcement and outcomes.

Ms. Henshaw discussed the board financial statement. The most recent month's financial statements will be provided on each agenda for informational purposes.

Board Financial Statements

Ms. Henshaw discussed questions that have arisen regarding self-managed and professionally managed associations. Delegate Sickles asked this item be put on the agenda. There have been varying interpretations on what constitutes a professionally managed association and the fees that would be applicable.

Discussion of Self-Managed and Professionally Managed Associations

The Board agreed that the headings contained in § 55-509.6 and 7 indicate the intent of separation of fees for disclosure packets for associations managed by volunteers of the association versus those who meet the definition of common interest community managers and provide management services. It was agreed that those who meet the definition of common interest community manager, even if exempt from licensure, would be required to meet the provisions of § 55-509.6. This issue will continue to be reviewed in the future as needed.

At the last meeting, the Board requested that staff compile a calendar of the common interest community-related events and dates that staff and the Ombudsman's office attends. The calendar reflects if the staff member was an attendee or a presenter. The requested information was provided to the Board with the agenda package for informational purposes only.

Staff Event Calendar

The Board revisited the scheduling of a date for the next board meeting. After discussion, the Board moved to adopt the following meeting date: January 26, 2009 at 9:30 a.m.

The Board members were reminded to complete their conflict of interest forms and travel vouchers.

Conflict of Interest and Travel Voucher Forms

There being no further business, the meeting was adjourned at 3:05 p.m.

Adjourn

Lucia Anna Trigiani, Chair

Jay W. DeBoer, Secretary